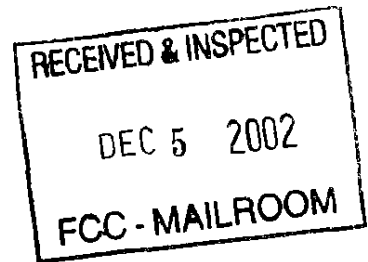


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator)	
)	
Charleston County School District)	File Nos. SLD-240734, 242904,
Charleston, South Carolina)	242940, 243031
)	
Federal-State Joint Board on)	CC Docket No. 96-45 ✓
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: November 26, 2002

Released: November 27, 2002

By the Wireline Competition Bureau:

1. The Wireline Competition Bureau has before it a Request for Review filed by the Charleston County School District (Charleston), Charleston, South Carolina, challenging a denial by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company of Charleston's four applications for discounts in Funding Year **2001** of the schools and libraries universal service mechanism.¹ For the reasons set forth below, we grant the Request for Review, and we remand Charleston's application to SLD for further processing in accordance with this Order.

2. Under the universal service support mechanism, eligible libraries may apply for discounts for certain telecommunications services, Internet access, and internal connections.² Applicants submit to SLD FCC Form 470 stating their technology requirements, and subsequently FCC Form 471 stating the services and carrier selected, and the funds needed.³

¹ Letter from Jon Ostendorf, Charleston County School District, to Federal Communications Commission, filed August 29, 2001 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² 47 C.F.R. §§ 54.502, 54.503

³ 47 C.F.R. § 54.504.

3. Charleston filed four FCC Form 471 applications, and each application designated Superintendent Ronald McWhirt as the individual authorized to sign the application on behalf of Charleston.⁴ Superintendent McWhirt's name was signed on the applications' signature line, but next to the signatures were the letters "by BDD." These are the initials of Deputy Supt. Barbara Dilligard, who, on January 16, signed the applications in the absence of the superintendent.⁵ On February 27, 2001, SLD notified Charleston that all four applications had been rejected because "[The] signature in Block 6, Item 34 is not the signature of the authorized person listed in Block 6, Item 36."⁶ Charleston appealed this decision to SLD, was denied, and then filed the present Request for Review.⁷

4. The applicable FCC Form 471 instructions state that the form must be signed by the person authorized by the applicant to certify that the information supplied is **accurate**.⁸ Charleston designated Superintendent Ronald McWhirt as that person, but Charleston maintains that its deputy superintendent was fully authorized to sign the Block 6 signature and certification pages, and therefore had the necessary authority to bind Charleston.⁹ The issue before us is whether Superintendent McWhirt's signature "by BDD" constitutes his valid signature. We hold that it does.

5. In New Hartford we held that a photocopied signature constitutes a valid certification of FCC Form 471 because "when a person attaches his name or causes it to be attached to a document with the intention of signing it, the document is regarded as 'signed' in writing."¹⁰ We now extend our conclusion in New Hartford to include a signing where the person authorized to sign the FCC Form 471 designates another person to certify on his or her behalf. In this case, the authorized person "causes it (the signature) to be attached" to the FCC

⁴ FCC Form 471, filed January 17, 2001 (Application Nos. SLD-240734, SLD-242904, SLD-242940, SLD-243031).

⁵ Request for Review at 1.

⁶ Letters from School and Libraries Division, Universal Service Administrative Company, to Evelyn Mauldin, Charleston County School District, dated February 27, 2001 (Form 471 Certification-Rejection Letter). Charleston also re-signed the applications on March 2, 2001, and resubmitted them to SLD. In response SLD notified Charleston that the applications were filed after the January 18 deadline, and would be considered as late-filed. Postcards from Schools and Libraries Division, Universal Services Administrative Company, to Evelyn Mauldin, Charleston County School District, mailed July 13 and July 24, 2001.

⁷ Letter from Jon Ostendorf, Charleston County School District, to Schools and Libraries Division, Universal Service Administrative Company, dated August 8, 2001; Letters from Schools and Libraries Division, Universal Service Administrative Company, to Evelyn Mauldin, Charleston County School District, dated August 21, 2001.

⁸ Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 (October 2000) (Form 471 Instructions) at 23, 25.

⁹ Request for Review. Charleston explains that "Our District Superintendent, Dr. Ron McWhirt, was unavailable when we prepared the applications. In his absence our sole Deputy Superintendent, Dr. Barbara Dilligard, had full authority to sign documents and obligate the District on his behalf. Therefore, the applications were signed for Dr. McWhirt by Dr. Dilligard."

¹⁰ Request for Review by *New Hartford Central School District Federal Join! Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Dockets Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19329 (Com. Car. Bur. 2001), para. 7.

Form 471. This conclusion follows from a well established body of law that holds that, in the absence of a statute to the contrary, “a signature may be made for a person by the hand of another.” and that signature is as valid as it would be if it were written by the authorizing person¹¹

6. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Charleston County School District, Charleston, South Carolina, on August 29, 2001, IS GRANTED, and this matter is remanded to the Administrator for further processing.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Deputy Chief, Wireline Competition Bureau

¹¹ *Patterson v. Leyden*, 947 F. Supp. 1211 (1996); *State of Florida v. Hickmon*, 189 So.2d 254 (1966) (“The law is that a signature may be legally made not only by the signer himself, but by and through someone duly authorized by him.”), citing 80 C.J.S. Signatures § 2a; *Middleborough Waterworks Co. v. Ned*, 49 S.W. 428 (1899), where the words on a deed “William Beard, Per Fleming Campbell” were deemed to be “...the act of Beard, and not of Campbell.”; 80 C.J.S. Signatures § 13 (2000).

